

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,
Plaintiff,

v.

Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al
Defendants.

ASSENTED SECOND MOTION TO CONTINUE TRIAL DATE

The Plaintiff in the above-captioned matter moves to reschedule the trial date set by the Court to begin on December 3, 2007 at 9:00 a.m. We anticipate a trial will take approximately 10 days.

As grounds therefore, Plaintiff's counsel has filed a Motion to File an Opposition to the Defendants' Motion to Strike and has also filed a Motion to Extend the time to file Plaintiff's Rebuttal to Defendants' Reply Memorandum to Plaintiff's Memorandum in Opposition Defendants' Motion for Summary Judgment to November 15, 2007.

In addition, this would allow time for the Court to hear the Summary Judgment Motion and Opposition and to render its decision before time is spent preparing for a pretrial and will also allow both sides to know with sufficient time what issues will be going to trial.

Wherefore, the Plaintiff requests that a Trial be scheduled to begin after the rescheduled Summary Judgment Hearing and a pre-trial conference date set accordingly.

Dated: October 15, 2007

Respectfully Submitted,
The Plaintiff,
by his attorneys,

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